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8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

9
10 UNITED STATES OF
AMERICA

4:15-CR-6049-EFS-3

11 Plaintiff;

Memorandum in Support
of Declaring this Case
Complex

12 v.

13 ROSA GRANADOS (3),

14 Defendant.

15
16 Come now defendant Rosa Granados and moves the Court to
17 declare the instant case "complex" in accordance with Appendix I
18 and III of the Criminal Justice Act Plan for the United States
19 District Court for the Eastern District of Washington. "When
20 appropriate, counsel should seek a ruling from the presiding judge

1 as soon as feasible as to whether a case is 'complex' or 'extended.'"

2 U.S. DISTRICT COURT, E.D. WASH., Criminal Justice Act Plan 19

3 (2013). The presiding judge directed counsel to "be prepared to

4 discuss whether this case is complex" at the February 21, 2017

5 Pretrial Conference. *Order Denying Motion to Expedite and Directing*

6 *Preparation for Pretrial Conference*, at 2:11-12 (ECF 341).

7 The maximum compensation CJA attorneys can earn per case

8 is capped by statute. 18 U.S.C. § 3006A(d)(2). This cap can be

9 waived for cases requiring "extended or complex representation" if

10 the presiding judge certifies the "excess payment is necessary to

11 provide fair compensation" and the decision is approved by the chief

12 judge of the circuit or his designee. 18 U.S.C. § 3006A(d)(3).

13 Representation is *extended* "[i]f more time is reasonably

14 required for total processing than the average case, including pre-

15 trial and post-trial hearings..." CJA Guideline § 230.30.40(b).

16 Representation is *complex* "[i]f the legal or factual issues in a case

17 are unusual, thus requiring the expenditure of more time, skill, and

18 effort by the lawyer than would normally be required in an average

19 case..." *Id.* '

20

1 This case should be declared extended due to the volume of
2 discovery. To date, the Government has disclosed more than 400
3 gigabytes of data (mostly video) and more than 2100 pages of
4 discovery. It anticipates disclosing an additional 30 CDs. The
5 Government represents that they still have substantial audio
6 recordings to disclose. The amount of time required to review this
7 discovery, isolate relevant evidence, conduct an investigation,
8 consult with experts, and prepare for trial makes reasonably
9 probable the total processing time for this case will exceed the
10 average case.

11 This case should be declared complex because the factual
12 issues are unusual requiring counsel to expend more time, skill and
13 effort than usual. This case involves an alleged conspiracy spanning
14 13 defendants and an unknown number of uncharged individuals.
15 The case spans more than six years of investigation and initial
16 prosecution. Furthermore, this case involves tracing financial
17 transactions through the alleged conspiracy (viz. the defendants
18 charged with money laundering). Connecting-the-dots, so to speak,
19 for these transactions will require additional time and skill for
20 counsel.

MEMORANDUM IN SUPPORT OF
DECLARING THIS CASE COMPLEX - 3

1 For these reasons, the Court should declare this case complex
2 and extended.

3 Dated: February 16, 2017 Respectfully Submitted,

4 s/Adam R. Pechtel
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Bradley Scarp, Attorney for Defendant, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A.

s/Adam R. Pechtel

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**MEMORANDUM IN SUPPORT OF
DECLARING THIS CASE COMPLEX - 5**